IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 2ND FEBRUARY 2007 / 13TH MAGHA 1928

WP(C).No. 14077 of 2006(A)

PETITIONER:

USHA K.K.,
LECTURER IN MATHEMATICS, P.R.N.S.S.COLLEGE,
MATTANNUR, P.O.MATTANNUR, KANNUR DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. KANNUR UNIVERSITY, REPRESENTED BY
THE REGISTRAR, KANNUR UNIVERSITY,
MANGATTUPARAMBA, KANNUR UNIVERSITY CAMPUS P.O.,
KANNUR.

3. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOZHIKODE.

5. THE SECRETARY,
CENTRAL COMMITTEE FOR NSS COLLEGES,
CHANGANASSERRY.
(THE MANAGER, P.R.N.S.S.COLLEGE, MATTANNUR,
P.O.MATTANNUR, KANNUR DIST.)

6. THE PRINCIPAL,
PAZHASIRAJA NSS COLLEGE,
MATTANNUR, KANNUR DIST.

R2 BY ADV. SRI. K.JAJU BABU, SC, KANNUR UNIVERSITY
R1, R3 & R4 BY SHRI SANTHOSHKUMAR, GOVERNMENT PLEADER
R5 & R6 BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF THE APPOINTMENT ORDER DATED 29./1/2005

EXT.P2-TRUE COPY OF THE ORDER DATED 6.12.2005 ISSUED BY THE KANNUR UNIVERSITY

EXT.P3-TRUE COPY OF THE COVERING LETTER DATED 11.1.2006 ISSUED BY THE 6TH RESPONDENT.

EXT.P4-TRUE COPY OF THE LETTER ISSUED BY R4

EXT.P5-TRUE COPY OF STATEMENT REGARDING VACANCIES PREPARED ON THE BASIS OF POST ADALATH REVIEW

EXT.P6-TRUE COPY OF THE JUDGMENT DATED 3.1.2006 IN WPC 31575/2005

// TRUE COPY //

T.R. Ramachandran Nair, J.

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W.P.(C).NO.14077 of 2006-A

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Dated this the 2nd day of February, 2007

JUDGMENT

The petitioner is mainly seeking a direction to sanction salary consequent on approval of her appointment as Lecturer in Mathematics as evidenced by Ext.P2. When the writ petition came up for hearing today, learned counsel for the petitioner submitted that the 4th respondent may be directed to take a decision on Ext.P3 after considering the statement relating to staff strength of the concerned college, produced as Ext.P5 in the writ petition. Learned counsel also relied upon the judgment of this Court in W.P.(C) No.31575/2005. I see force in the submission of the learned counsel for the petitioner.

2. Heard Govt. Pleader and counsel for other respondents also. 4th respondent has filed a counter affidavit also in the matter. Now that the request is to direct the 4th respondent to consider the issue based on the materials produced by the petitioner, I think the matter can be disposed of without entering into the merits of the contentions.

3. Accordingly, the writ petition is disposed of directing the 4th

respondent to consider and pass orders on Ext.P3 within a period of two months from the date of receipt of a copy of this judgment. Before taking a decision as directed, the 4th respondent is free to seek the opinion of the second respondent University also. 4th respondent will also take into account Exts.P5 and P6 while passing orders in the matter. If the decision is in favour of the petitioner, steps will be taken to disburse the salary along with arrears, expeditiously. The principles laid down in the decision of this Court reported in **Cherian Mathew v. Principal, S.B. College, Changanassery** (1998(2) KLT 144) will also be born in mind by the 4th respondent.

4. It is made clear that I have not considered on its merits the contentions of either parties as the issues are left to be decided by the 4th respondent.

(T.R. Ramachandran Nair, Judge.)

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